

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

LAURA ALLEN INDIVIDUALLY AND LAURA  
ALLEN INDIVIDUALLY AND AS  
ADMINISTRATRIX OF THE ESTATE OF  
THE LATE DAN ALLEN, AND AS NEXT  
FRIEND OF TAYLOR ALLEN AND  
DANIELLE ALLEN; AND MARK ALLEN  
Plaintiffs,

v.

MARTIN SURFACING, INC.; MARTIN  
SURFACING A DIVISION OF SOUTHWEST  
RECREATION; RONALD RYBA;  
SOUTHWEST RECREATIONAL  
INDUSTRIES, INC. d/b/a MARTIN  
SURFACING; REED J. SEATON; ROBERT  
N. WOLESENSKY, JR.; DYNAMIC  
SPORTS CONSTRUCTION, INC. AND  
DOES  
Defendants.

CIVIL ACTION NO:

05-cv-40048-FDS

**MOTION OF DEFENDANTS, ROBERT M. WOLESENSKY, JR. AND DYNAMIC  
SPORTS CONSTRUCTION, INC., FOR *PRO HAC VICE* ADMISSION OF P.  
DOUGLAS BARR, ESQ.**

Pursuant to L.R. 83.5.3, Defendants, Robert M. Wolesensky, Jr. (incorrectly identified in the Complaint as Robert N. Wolesensky, Jr.) and Dynamic Sports Construction, Inc. ("Dynamic"), through their attorneys, Morrison Mahoney LLP., move this Honorable Court to allow *pro hac vice* admission for P. Douglas Barr, Esq.

In support of this motion, Defendants, Robert M. Wolesensky, Jr. and Dynamic, state as follows:

1. P. Douglas Barr, Esq. of Stoll, Keenon & Park, LLP, located in Lexington, Kentucky, serves as national counsel for Robert M. Wolesensky, Jr. and Dynamic.

2. Robert M. Wolesensky, Jr. and Dynamic seek the admission of P. Douglas Barr, Esq. to represent them in the above-entitled action.

3. P. Douglas Barr, Esq. is a licensed attorney in good standing in the State of Kentucky and the State of Ohio, the jurisdictions in which he has been admitted to practice, and a partner in the law firm of Stoll, Keenon & Park, LLP (See Affidavit of P. Douglas Barr, Esq., attached hereto as Exhibit "A").

4. P. Douglas Barr, Esq. has no disciplinary proceedings pending against him in either Kentucky or Ohio. (See Affidavit attached hereto as Exhibit "A").

5. P. Douglas Barr, Esq. is also admitted to practice before the United States District Court for the Southern District of Ohio, the United States District Court for the Eastern and Western Districts of Kentucky, the United States Court of Appeals for the Sixth Circuit and the United States Court of Appeals for the Federal Circuit.

6. P. Douglas Barr, Esq. will familiarize himself with the Local Rules of the United States District Court for the District of Massachusetts.

7. P. Douglas Barr, Esq. has associated with Morrison Mahoney LLP, whose attorneys are licensed in the Commonwealth of Massachusetts as co-counsel in this case.

8. This matter involves complex factual matters in which P. Douglas Barr, Esq. specializes.

9. The undersigned counsel will remain actively associated with P. Douglas Barr, Esq. in the defense of this matter.

WHEREFORE, the Defendants, Robert M. Wolesensky, Jr. and Dynamic, respectfully requests that this Honorable Court grant an order admitting P. Douglas Barr, Esq. to this Court *pro hac vice*.

Respectfully submitted,

The Defendants,  
Robert M. Wolesensky, Jr.  
Dynamic Sports Construction, Inc.  
By Their Attorneys,

/s/ Gareth W. Notis

Lee Stephen MacPhee, BBO # 312400  
Gareth W. Notis, BBO # 637814  
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**CERTIFICATE OF P. DOUGLAS BARR, ESQ. IN SUPPORT OF MOTION OF  
DEFENDANTS, ROBERT M. WOLESENSKY, JR. AND DYNAMIC SPORTS  
CONSTRUCTION, INC., FOR PRO HAC VICE ADMISSION OF P. DOUGLAS  
BARR, ESQ.**

The undersigned, P. Douglas Barr, Esq., in support of the Motion of Defendants, Robert M. Wolesensky, Jr. (incorrectly identified in the Complaint as Robert N. Wolesensky, Jr.) and Dynamic Sports Construction, Inc. for Admission Pro Hac Vice, certifies as follows:

1. I am a partner in the law firm of Stoll, Keenon & Park, LLP, located in Lexington, Kentucky.
2. I am a member in good standing of the Bar and the Supreme Court of the State of Kentucky and the State of Ohio.

3. I am admitted to practice before the United States District Court for the Southern District of Ohio, the United States District Court for the Eastern and Western Districts of Kentucky, the United States Court of Appeals for the Sixth Circuit and the United States Court of Appeals for the Federal Circuit.

4. There are no disciplinary proceedings pending against me as a member of the Kentucky bar or the Ohio Bar.

THE ABOVE STATEMENTS ARE MADE UNDER THE PAINS AND PENALTIES OF PERJURY THIS 23<sup>rd</sup> DAY OF March, 2005.

A handwritten signature in black ink, appearing to read "P. Douglas Barr", written over a horizontal line.

P. Douglas Barr, Esq.  
Stoll, Keenon & Park, LLP,  
300 West Vine St, Suite 2100  
Lexington, KY 40507-1801